

IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE  
S/S Perry Ridge Court, 275' E  
of White Marsh Road  
(15 Perry Ridge Court)  
14th Election District  
6th Councilmanic District  
Raymond F. Mahaffey, Jr., et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1801.2.C. 2.a and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an open projection (deck) in the rear yard with a tract boundary setback of 23.5 feet in lieu of the minimum required 26.25 feet and to amend the last approved Final Development Plan of the Richter Property as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of November, 1991 that the Petition for Residential Variance from Sections 1801.2.C. 2.a and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit an open projection (deck) in the rear yard with a tract boundary setback of 23.5 feet in lieu of the minimum required 26.25 feet and to amend the last approved Final Development Plan of the Richter Property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/9/91  
By [Signature]

LES:bjs

- 2 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

November 19, 1991

Mr. & Mrs. Raymond F. Mahaffey, Jr.  
15 Perry Ridge Court  
Baltimore, Maryland 21237

RE: PETITION FOR RESIDENTIAL VARIANCE  
S/S Perry Ridge Court, 275' E of White Marsh Road  
(15 Perry Ridge Court)  
14th Election District - 6th Councilmanic District  
Raymond F. Mahaffey, Jr., et ux - Petitioners  
Case No. 92-160-A

Dear Mr. & Mrs. Mahaffey, Jr.:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

File

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1801.2.C.2.a and 301.1 BCZR and V.B.5.a (CMDF) - to permit an open projection (deck)

in the rear yard with a tract boundary setback of 23.5 ft. in lieu of the minimum

permitted 26.25 ft., and to amend the last approved Final Development Plan of the

subject property, of the Zoning Regulations of Baltimore County, for the following reasons:

(Indicate hardship or practical difficulty)

The deck is being built off the family room and back which

both contain crank out windows. When the windows are opened

they extend out 2 ft. As a result, this area of the deck can't

be altered for walking or furniture.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney's telephone number

Legal Owner(s):

Raymond F. MAHAFFEY JR

Signature

Address

City/State/Zip Code

Signature

Address

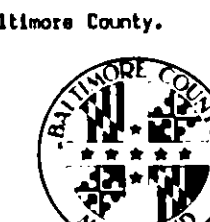
City/State/Zip Code

Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this 8 day of Oct, 1991, that the subject matter of this petition be posted on the property on or before the 27 day of Oct, 1991.

[Signature]  
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this    day of   , 19  , that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County.



REVIEWED BY [Signature] DATE: 11/9/91

ORDER RECEIVED FOR FILING

Date 11/9/91

By [Signature]

## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 15 Perry Ridge Ct

Towson, MD 21237  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

In deck is being built off the family room and

back which both contain crank out windows.

When the windows are opened they extend out 2 ft

As a result, this area of the deck cannot be altered

for walking or furniture.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

I/We agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

That the Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]  
AFFIANT (Handwritten Signature)

[Signature]  
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AFFIANT (Handwritten Signature)

PETITIONER'S  
EXHIBIT 1



SCALE LOCATION SHEET

1" = 200' ±

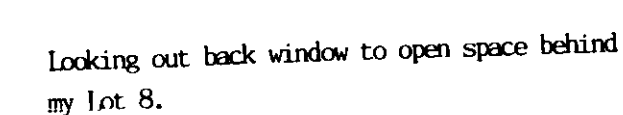
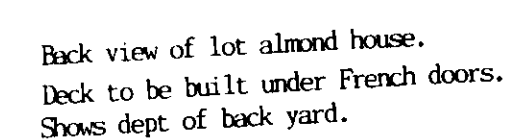
DATE OF PHOTOGRAPHY JANUARY 1986

FULLERTON

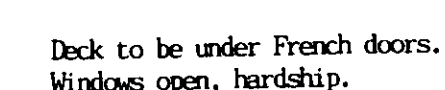
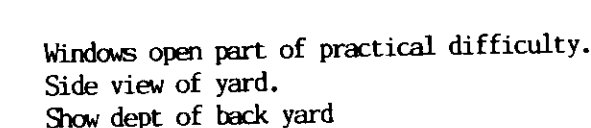
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92-160-A

PETITIONER'S EXHIBIT # 24



PETITIONER'S EXHIBIT # 23

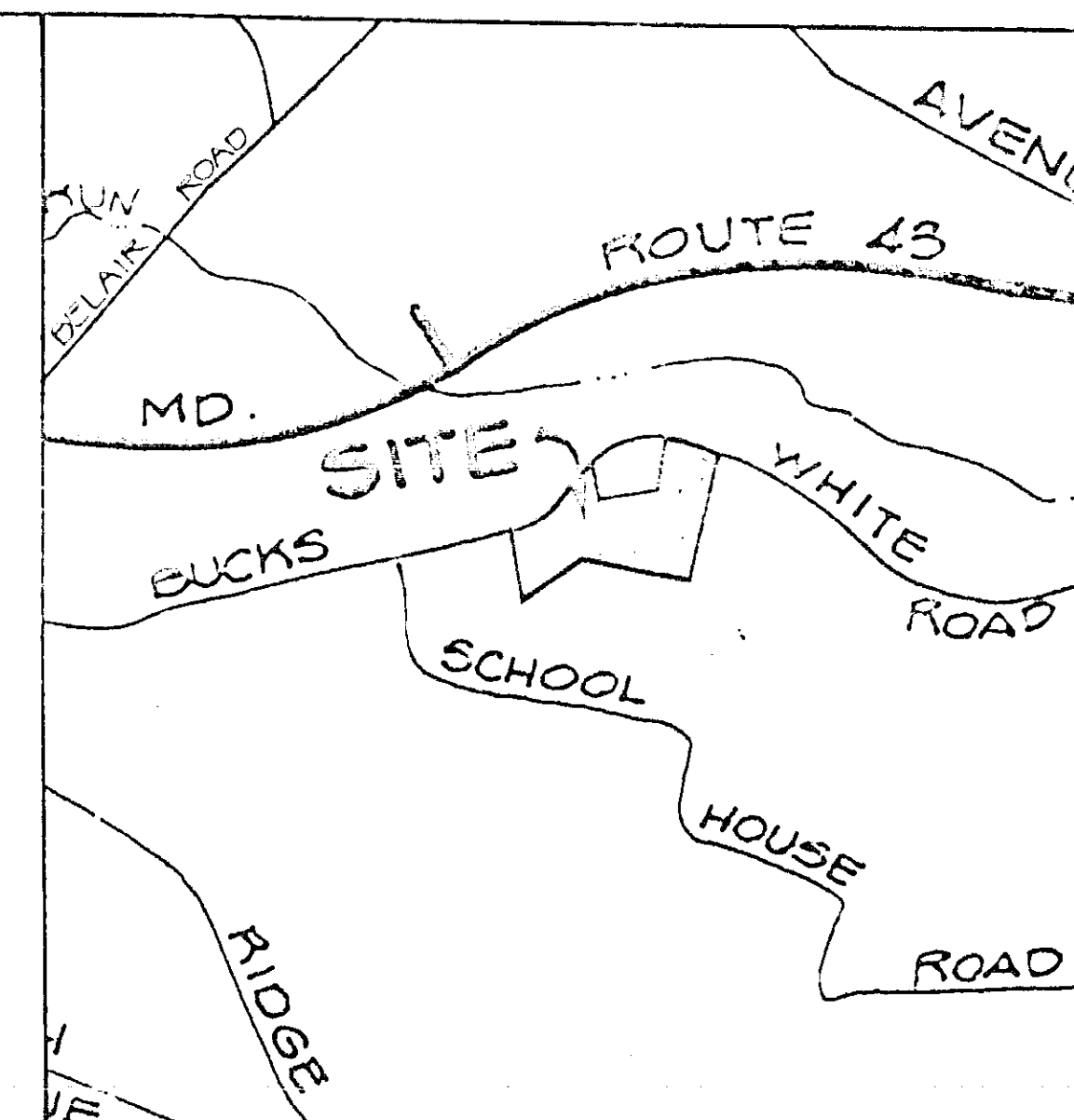


SCALE  
1" = 200'

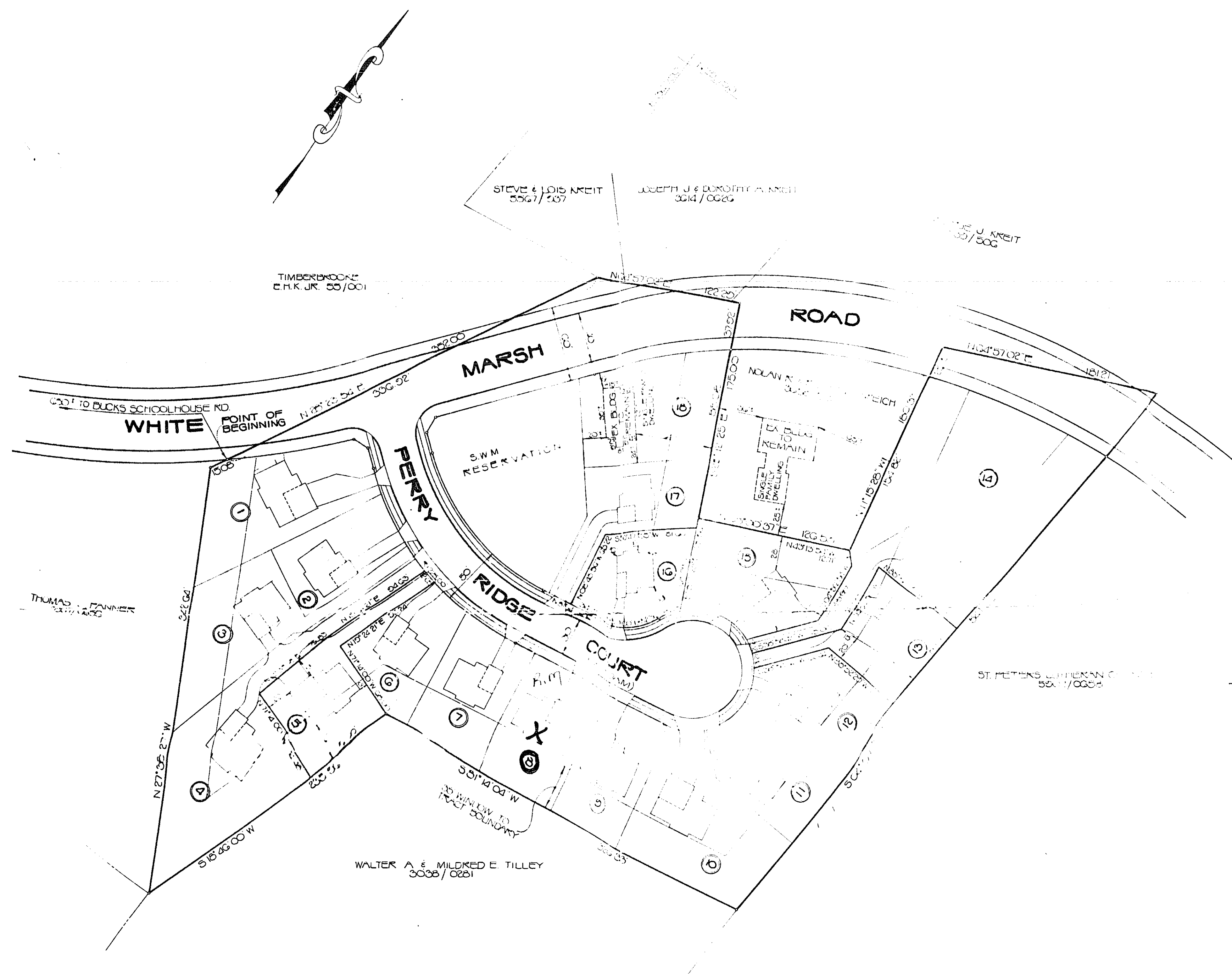
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

FULLERTON

92-160-F



LOCATION MAP  
SCALE: 1" = 1000'



**NOTES**

1. ALL THE UTILITIES TO SERVE THIS SUBDIVISION ARE FROM THE
2. EXISTING ZONING IS R-100
3. A COUNCILMANUAL DRAFTING JANUARY 1990
4. PWA 100000
5. PLANNING REQUESTED JAN 1990
6. PLANNING PROPOSED JAN 1990 (100000)
7. PLANNING REQUESTED JAN 1990 (100000)

1) The petitioner may apply for his building permit and be granted same upon receipt of this order; however, the petitioner is hereby notified that should, at this time, in his own mind, until such time as the zoning ordinance process from this order is expired, if, for whatever reason, this order is reversed, the petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The petitioner's plan is limited to the structure shown on the plan. The petitioner should not request any future front, side or rear yard setbacks for the subject property. Further, the petitioner should not request any setbacks to take place in the affected area of the building.

3) The petitioner is hereby notified that the structure shown on the plan is to be a three-unit residential unit and not a single unit.

4) Upon receipt of this order, the petitioner should immediately contact the Planning Department for a copy of the subject property to ensure compliance with this order.

- ATTACHMENT 'A'
- Lot 5  
Variance from Section 1801.2.C. and the "Comprehensive Manual Development Policies" and to amend the Second Amended Final Development Plan to permit a window to Tract Boundary Line Setback of 20 feet in lieu of the required 25 feet.
  - Lot 13  
Variance from Section 1801.2.C. and the "Comprehensive Manual Development Policies" and to amend the Second Amended Final Development Plan to permit a window to Tract Boundary Line Setback of 24 feet in lieu of the required 35 feet.
  - Lot 15  
Variance from Section 1801.2.C. and the "Comprehensive Manual Development Policies" and to amend the Second Amended Final Development Plan to permit a window to Tract Boundary Line Setback of 20 feet in lieu of the required 35 feet.
  - Lot 16  
Variance from Section 1801.2.C. and the "Comprehensive Manual Development Policies" and to amend the Second Amended Final Development Plan to permit a window to building height distance Setback of 12 feet in lieu of the required 25 foot setback required for Lots 15 & 17.

PLAT TO ACCOMPANY ZONING VARIANCE  
"RIVER PROPERTY"

10TH EDITION, 1990, DISTRICT 10, BALTIMORE COUNTY, MARYLAND  
AUGUST 2, 1990

92-160-A



W. DUVALL & ASSOCIATES, INC.  
ENGINEERS, SURVEYORS, LAND PLANNERS  
530 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204  
(301) 583-9571